

Rory Valas

From: Rory Valas [rav@franchiseelaw.com]
Sent: Friday, April 11, 2008 3:59 PM
To: 'Danielle M. Kays'
Subject: Kumon

Danielle:

Steps to Success, Inc. provided all documents in its possession in response to the requests. It acquired the franchise in August 2006 and Kumon's request for documents back to 1992 is only intended to burden and harass our clients. What among the two boxes of documents does Kumon think is missing!?

We understand that you are seeking to depose students during regular school hours and under unreasonable and excessively burdensome conditions.

Ms. Shah will appear for her deposition on April 18, but if need be, we will file for a protective order for any other deposition scheduled for next week.

We likely will be filing a motion regarding your abusive discovery requests and your refusal to provide the electronic data and operating computer system in connection with the Rule 30(b)(6) deposition.

Please call if you believe that there is any use in attempting to further confer on these issues.

Rory Valas

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PRIVILEGED AND CONFIDENTIAL
IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE LET US KNOW AND DESTROY THIS MESSAGE. THANK YOU.

From: Danielle M. Kays [mailto:danielle.kays@chengcohen.com]
Sent: Friday, April 11, 2008 2:53 PM
To: Rory Valas
Cc: Fredric Cohen; CCaruso@schwartzcooper.com; srosenberg@schwartzcooper.com
Subject: RE:

4/30/2008

Rory:

Your amended complaint needs to be filed by the court. Your threat to cancel the Shah's deposition, scheduled for April 18, for your failure to amend the complaint and serve it upon Tanabe and Conran is groundless and improper. As discussed, we will accept service on their behalf once the amended complaint has been filed and once you provide the appropriate waiver of service forms.

Shah's deposition will proceed as noticed on April 18.

Also, by 5pm today, provide me with a time next week that we can review your client's documents at her center due to the incompleteness of your client's production. The production is not complete as we have discussed, due to her failure to bates label the documents, failure to provide appropriate dates of documents and her failure to respond to Kumon's requests Nos. 1, 8 -10, 12, 14, 19, 21, 24 – 29.

Thank you.

Danielle M. Kays
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Chicago, IL 60607
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danielle.kays@chengcohen.com

From: Danielle M. Kays
Sent: Thursday, April 10, 2008 7:45 AM
To: 'Rory Valas'
Cc: Fredric Cohen
Subject: RE:

Rory:

While I will accept service for anything that needs to be served on Tanabe and Conran, I will not accept service of unfiled improper documents such as this complaint.

You should have received our documents yesterday, and the depositions will proceed according to the notice we sent you.

Regarding your 30(b)(6) "computer" notice, I object to your request for a computer with an operating Efile system and am unclear what you are asking.

Finally, please advise if we can review Ms. Shah's documents at her Center tomorrow or Monday, due to the incompleteness of the document production.

Thank you.

Danielle M. Kays
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4/30/2008

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danielle.kays@chengcohen.com

From: Rory Valas [mailto:rav@franchiseelaw.com]

Sent: Tuesday, April 08, 2008 3:27 PM

To: Danielle M. Kays

Subject:

Danielle:

Please use this e-mail address. rav@franchiseelaw.com I rarely check the other one.

We asked in our interrogatories served upon Kumon for the home addresses of defendants Tanabe and Conran. They needed to be served with the Amended Complaint.

Please confirm that your office has agreed to accept service of the Amended Complaint, attached hereto, on their behalf.

We cannot go forward with depositions until they have been notified and been given an opportunity to participate. If you will not be accepting service, please forward their home addresses today.

In connection with the list of my client's helpers their information was included in the documents produced. To further assist you we attach a worksheet. They are independent contractors and the dates of employment are actually dates of contracting. Most of them are young students. We insist that you provide detail concerning your allegations in response to our interrogatories before you put these young students through the ordeal of a deposition. You refer only to the letters and the documents that you still have not produced. These are not responsive.

Please get back to us.

Rory Valas

GOLDSTEIN VALAS

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4/30/2008

----- Original Message -----

From: Danielle M. Kays <danielle.kays@chengcohen.com>

To: Rory Valas <rav@franchiseelaw.com>; Fredric Cohen <fredric.cohen@chengcohen.com>

Sent: Monday, April 7, 2008 2:47:38 PM

Subject: RE: Kumon

Rory:

In response to your 30(b)(6) notices of depositions Kumon designates Ron Conran as the person most knowledgeable about defendants' misreporting and Robert Lichtenstein as the person most knowledgeable about the decision to terminate the franchise agreement and the opportunity to cure prior to termination.

Kumon designates Rachel Tumbukon as its witness for the 30(b)(6) computer witness you request.

These witnesses are not available on the dates you proposed. Mr. Conran is available April 21; Mr. Lichtenstein is available April 22; and Ms. Tumbukon is available April 23.

Rule 26(a)(1) does not require disclosure of the witnesses' home addresses, and I am not sure what you intend to serve.

Danielle M. Kays

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4/30/2008